

Insert name of your public authority here

Chapter II of Part I of the Regulation of Investigatory Powers Act 2000

Application for Communications Data

- An application, comments by the SPoC, considerations of the designated person, authorisations and notices can be made in writing or electronically.
- This is an example of a basic form used within a paper-based administration and has been prepared in Microsoft Word 2002 using **Verdana** text, which is easier to view on screen rather than **Arial** or **Times New Roman**. Sections can be amended to suit the working practice of the public authority. However, changes must be in accordance with the Act and code. Also, ensure you are able to see the **"comment"** boxes, if can not [click on **"View"** and then click **"comment"**]

Comment: If you are viewing the Specimen Form in something other than Microsoft Word 2002, the colours and pagination may be different to the original, which may account for some garish colours on the version you are viewing

Comment: See paragraph 3.5 of the Revised Draft CoP for Public Consultation for further guidance

Comment: STATUTORY PURPOSE for which the communications data is required. For the police it includes includes;

- In the interests of National Security S22 (2)(a)
- For the prevention and detection of crime or preventing disorder S22 (2)(b)
- S22 (2)(c) Economic well being of the UK
- In the interests of public safety S22 (2)(d)
- For the purpose of protecting public health S22 (2)(e)
- For the purpose, in an emergency, of preventing death or injury or damage to a persons physical or mental health or of mitigating any injury or damage to a persons ... [1]

Comment: It may be appropriate for this section to include 'text boxes' to enable the applicant to set out the:

- telephone number, email address, etc;
- where appropriate the 'between times / dates' of the data set required;
- type of data required e.g. subscriber details ... [2]

Comment: A brief description of the investigation or operation may assist the Designated Person better understand the context of the application. In long term or complex investigations or operations it may be appropriate to have an opening paragraph in this section that sets the s ... [3]

Comment: A simple way of dealing with the question of Proportionality is to explain what is going to done with the communications data once it is acquired that will benefit the investigation or operation.

If the request/s relates to large volumes of communications data ... [4]

1) Applicant's Name		4) Unique Reference Number	
2) Office, Rank or Position		5) Applicant's Telephone Number.	
3) Applicant's Email Address		6) Applicant's Fax Number	
7) Operation Name (if applicable)	8) STATUTORY PURPOSE		
	Click here for options: [Link]		

9) COMMUNICATIONS DATA

Describe the communications data, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s)

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

10) NECESSITY

State why it is necessary in relation to your investigation or operation to obtain this data for the purpose listed at question 8)

What do you expect to achieve from obtaining the communications data? Explain why you have requested the specific date/time period. If applicable, explain the time scale within which the data is required to be delivered to you.

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

11) PROPORTIONALITY

State why obtaining the communications data is proportionate to what you are seeking to achieve

Why does the intrusion benefit the investigation or operation you are undertaking? When considering the benefits to the investigation or operation, can the level of intrusion be justified against the individual's right to privacy?

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

12) COLLATERAL INTRUSION

Consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the privacy of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances

If you have identified any meaningful degree of collateral intrusion, explain what it is.

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

13) TIMESCALE

Identify and explain the timescale within which the data is required

14) APPLICANT

I undertake to inform the SPoC of any change in circumstances that no longer justifies the acquisition of the data

Applicant's Signature

Date

15) ASSESSMENT BY ACCREDITED SPoC.

If the request is NOT reasonably practical for the CSP explain why

Specify which sub-section the data falls within

Click here for options:-

State whether notice or authorisation is appropriate

Click here for options:-

Describe any adverse cost or resource implications to either your public authority or the CSP?

If the request will provide any excessive data to that requested by the applicant, give details.

Are there other factors the DP should be aware of?

Name of Accredited SPoC

16) AUTHORISATION (Completed by Accredited SPoC when appropriate)

Specify the reason why the collection of communications data by means of an authorisation is appropriate:

- CSP is not capable of obtaining or disclosing the communications data;
- The investigation or operation may be prejudiced if the CSP is required to obtain or disclose the data;
- There is an agreement in place between the public authority and the CSP relating to the appropriate mechanisms for the disclosure of the data;
- The designated person considers there is a requirement to conduct a telephone subscriber check but a CSP has yet to be conclusively determined as the holder of the communications data.

Comment: During the course of an investigation and to establish certain facts it may be necessary and proportionate for an investigator (applicant) to require access to communications data that relates to witnesses as well as the associates of a suspect or target. In cases where for example the applicant requests access to 'outgoing calls' from say a 'home telephone' that is believed to be used by a suspect or target, collateral intrusion may be applicable to calls made by family members who are outside the scope of the investigation. If the applicant has identified several telephone numbers that require further investigation by obtaining 'subscriber checks', and if it is necessary and proportionate, those numbers are then considered to be subject of the investigation. Due to the very specific nature of telephone subscriber check/s, collateral intrusion on a person other than the subscriber detail/s will be consistently absent. Often applicants write about a potential or hypothetical 'error' rather than collateral intrusion on persons not subject to the investigation.

Comment: Completion of this section assists the SPoC to prioritise the request. DCG has an agreed Grading System that indicates to the CSP any urgent timescales

Describe the communications data to be acquired specifying, where relevant, any historic or future date and/or time periods sought. Also, describe the course of conduct required to obtain it.

Name of the relevant CSP

Comment: This question is appropriate where the communications data sought by the applicant may need refinement by the SPoC. For example, incoming calls to a telephone number held by a CSP that does not keep a data set that can reveal such calls. The SPoC would state that several Authorisations and Notices will need to be undertaken with CSPs that can reveal calls instigating from their networks to the telephone number in question. The DP having considered the comments of the SPoC may decide the proposed course of action in obtaining the data is not proportionate with what the applicant is seeking to achieve. It will also be appropriate for the SPoC to comment where the data sought by the applicant requires the acquisition of excess data, specifically where it is not practicable for the CSP to edit or filter the data, for example a specific incoming call in a data set with outgoing calls and cell [5]

The statutory purpose for which the conduct may be authorised is set out at section 8 of this form.

The office, rank or position of the designated person should be recorded within section 17 of this form.

A record of the date & time the granting of an authorisation is made should be recorded within section 17 of this form

17. DESIGNATED PERSON

The Designated Person considers the application and if approved records their considerations:

*If you, based on this application, **believe** acquiring the communications data is necessary for one of the purposes within section 22(2) of the Act consider the following;*

- Why do you **believe** the conduct involved in obtaining the data is proportionate to the objective(s)? In making that judgement you should take in consideration any additional information from the SPoC.
- Where accessing the communication data is likely to result in *meaningful degree of collateral intrusion*, why you **believe** the request remains justified and proportionate to the objective(s)?

My considerations in approving / not approving this application are:

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

I authorise the conduct to be undertaken by the SPoC as set out in section 16 of this form.

I give Notice and require the SPoC to serve it on (insert name of CSP) . The Notice bears the unique reference number

Name		Office, Rank or Position	
Signature		Time and Date	

Comment: If the DP having read the application considers the applicant has met all the requirements then it may be appropriate to simply record that fact. There may be circumstances where the DP having read the case set out by the applicant and the considerations of the SPoC to make comment in the text why it is still necessary and proportionate for the acquisition of the data despite excessive data being acquired. If the DP does not consider the case for the acquisition has been met the application should be rejected and referred back to the applicant.

Comment: A Notice must include a unique reference number that also identifies the public authority

This can be a code or an abbreviation. For police services it will be appropriate to use the Police National Computer (PNC) force coding.

See also paragraph 5.1 of the Revised Draft CoP for Public Consultation

Page 1: [1] Comment **Internet** **2/7/2006 12:38 PM**

STATUTORY PURPOSE for which the communications data is required. For the police it includes includes;

In the interests of National Security S22 (2)(a)

For the prevention and detection of crime or preventing disorder S22 (2)(b)

S22 (2)(c) Economic well being of the UK

In the interests of public safety S22 (2)(d)

For the purpose of protecting public health S22 (2)(e)

For the purpose, in an emergency, of preventing death or injury or damage to a persons physical or mental health or of mitigating any injury or damage to a persons physical or mental health S22 (2)(g)

Page 1: [2] Comment **Miller** **4/21/2005 4:59 PM**

It may be appropriate for this section to include 'text boxes' to enable the applicant to set out the:

a) telephone number, email address, etc;

b) where appropriate the 'between times / dates' of the data set required;

c) type of data required e.g. subscriber details, outgoing calls, incoming calls etc;

It may be preferable for a public authority to have application forms that are specifically for subscriber checks, itemised billings etc.

An application may contain several requests for various 'data sets' relating to a specific investigation or operation. However, consideration should be given as to how this may affect the efficiency of the public authority's processes and the impact of managing disclosure issues before, during and after a criminal trial (see in particular Criminal Procedure and Investigation's Act 1996, the Code of Practice issued under it and any revised operational instructions issued by the CPS).

Page 1: [3] Comment **Miller** **4/21/2005 3:11 PM**

A brief description of the investigation or operation may assist the Designated Person better understand the context of the application. In long term or complex investigations or operations it may be appropriate to have an opening paragraph in this section that sets the scene and background, which then leads into the applicant's specific investigative or operational requirements.

Page 1: [4] Comment **Miller** **4/21/2005 4:36 PM**

A simple way of dealing with the question of Proportionality is to explain what is going to done with the communications data once it is acquired that will benefit the investigation or operation.

If the request/s relates to large volumes of communications data being acquired then an explanation may be needed from the applicant as to how this will be managed and utilised e.g. analytical capability

Page 3: [5] Comment **Miller** **4/21/2005 4:50 PM**

This question is appropriate where the communications data sought by the applicant may need refinement by the SPoC. For example, incoming calls to a telephone number held by a CSP that does not keep a data set that can reveal such calls. The SPoC would state that

several Authorisations and Notices will need to be undertaken with CSPs that can reveal calls instigating from their networks to the telephone number in question. The DP having considered the comments of the SPoC may decide the proposed course of action in obtaining the data is not proportionate with what the applicant is seeking to achieve. It will also be appropriate for the SPoC to comment where the data sought by the applicant requires the acquisition of excess data, specifically where it is not practicable for the CSP to edit or filter the data, for example a specific incoming call in a data set with outgoing calls and cell site contained in it. If the DP considers this to be necessary and proportionate for the acquisition of the specific incoming call then the Authorisation or Notice must include the acquisition of the outgoing call, incoming calls and cell site.